

REMARKS/ARGUMENTS

Prior to the present amendments, claims 1, 3-15, 19-21, 23, 26-31, 33 and 36-62 were pending. Claims 1, 2, 4-6, 16-18, 22, 24, 25, 32-41, 43-54 and 62-114 have been cancelled. Claims 3, 7, 9, 11, 13, 15, 19-21, 23, 26-31 and 42 are being amended. After entry of the above amendments, claims 3, 7-15, 19-21, 23, 26-31, 42 and 55-61 will be pending.

Election/Restriction

Claim 1 is being cancelled and claim 42 is being amended with respect to variables R₂, U and V, in accordance with the suggestions made by the Examiner in the final Office Action. The amendments are discussed further below in connection with the rejections under 35 U.S.C. §112, Second Paragraph. Additionally, claims 3, 7, 11, 15, 19-21, 23 and 26-31 are being amended to depend from claim 42 in accordance with the cancellation of claim 1.

The Examiner indicates that claim 54 does not read on the elected species (see item 3 of the final Office Action and item 1d of the Advisory Action). Applicants maintain that the subject matter of claim 54 is consistent with the elected subject matter, and is readable thereon. However, in order to advance prosecution of the present application, claim 54 is being cancelled.

Information Disclosure Statements

Applicants thank the Examiner for indicating that the Information Disclosure Statement (“IDS”) filed 1/23/2007 has been considered.

In the Advisory Action (see item 1e), the Examiner indicates that no IDS was filed in this case on January 8, 2007. Upon receiving the Advisory Action, Applicants contacted the PTO and was informed that the IDS originally filed on January 8, 2007 (see attached copy of acknowledgement receipt) was processed incorrectly by the PTO. As a result, the IDS was resubmitted on May 7, 2007. Since the IDS was originally filed prior to the issuance of the final Office Action, Applicants respectfully request that the single cited document be considered by the Examiner and an initialed copy of the Form 1449 be provided. A duplicate copy of the Form 1449 is attached.

Rejections under 35 USC §112, Second Paragraph

Claims 1, 3-15, 19-21, 23, 26-31, 33, 36, 42, 43 and 55-61 are rejected as allegedly being indefinite.

In the Advisory Action, the Examiner alleges that the recitation of “ester,” “ketone,” and the like raises new second paragraph issues because those terms refer to molecules and not moieties (see item 1a of the Advisory Action). Applicants submit that a person skilled in the art would readily understand that monovalent radicals derived from esters, ketones and the like are suitable substituents as used in the claims. However, in order to advance prosecution of the present application, claim 42 has been amended such that the optional substituents listed for U, R₉ and R₁₂ are all monovalent radicals. Accordingly, the rejection of claim 42 as-amended should be withdrawn.

With respect to the phrase “U is a moiety providing 3 atom separation between V and the ring to which R₂ is attached” (see item 5a of the final Office Action and item 1b of the Advisory Action), Applicants thank the Examiner for indicating that the rejection has been overcome by the amendments.

The claims are also rejected because the phrase “V... comprises a basic nitrogen atom that is capable of interacting with a carboxylic acid side chain of an active site residue of a protein” is allegedly indefinite (see item 5b of the final Office Action and item 1b of the Advisory Action). Applicants are amending claim 42 to delete the phrase “that is capable of interacting with a carboxylic acid side chain of an active site residue of a protein,” as suggested by the Examiner. Regarding the comments to claim 7, the Examiner appears to be confusing the definition for “-UV” of claim 7 with the definition for V. V is provided by one of the R₈ groups in claim 7 (and claim 11). Specific embodiments of V are described, for example, in the specification at paragraph [0235]. Independent claim 42 has been amended to incorporate the embodiments of paragraph [0235] for V.

In addition, Applicants are now amending claims 3, 9 13 and 42 to replace the phrase “comprising” with the term “having,” in accordance with the Examiner’s suggestion. Claim 42 is also being amended to replace the phrase “V comprises...” with the phrase “V is selected from the group consisting of...” Accordingly, Applicants respectfully submit that the present amendments are sufficient to completely overcome the second paragraph issue.

In addition, with respect to the phrase “R₃ and R₄ are taken together to form... a 6 membered ring” (see item 5c of the final Office Action and item 1b of the Advisory Action), Applicants maintain that one of ordinary skill in the art would understand the bounds of that phrase as it is used in the present claims. However, the cancellation of claim 1 renders the rejection moot. Applicants thank the Examiner for indicating that the rejection has been overcome by the amendments.

Miscellaneous Amendments to the Claims

Claim 31 is being amended to delete the redundant phrase “substituted or unsubstituted,” which appears twice in the claim as previously amendment.

Double Patenting

The Examiner has provisionally rejected claims 1, 3-15, 19-21, 23, 26-31, 33, 36, 42, 43 and 55-61 under the doctrine of non-statutory obviousness-type double patenting as being unpatentable over claims 1-5, 8, 9, 11-17, 19, 23, 26, 27, 29, 37-39, 51-57, 83, 84, 95, 99 and 111 of copending Application No. 10/809,635 (see item 6 of the final Office Action and item 1c of the Advisory Action). Since the rejection is provisional, Applicants intend to address the rejection when one or both of the applications are otherwise in condition for allowance.

CONCLUSION

Applicants earnestly believe that they are entitled to a letters patent, and respectfully solicit the Examiner to expedite prosecution of this patent application to issuance. Should the Examiner have any questions, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,

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